



**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **August 8, 2006**

TO: **Mayor and Members of the City Council**

FROM: **Robert Paternoster, Community Development Director**

THROUGH: **Amy Chan, City Manager**

RE: **Opportunity for Council to appeal decisions of the Planning Commission of July 24, 2006 and the Administrative Hearing of July 26, 2006.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and detailed minutes are available on the City's web site and one set of reports and minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

If you have any questions, please contact Trudi Ryan, the City's Planning Officer at (408) 730-7435.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION
July 24, 2006
456 West Olive Avenue, Sunnyvale, CA 94086**

7:00 PM - Study Session – West Conference Room

Meeting called to order.

1. **2005-0106 – The Ridgecrest Group** [Applicant] **Omid Shakeri** [Owner]: Application for related proposals on a 29,250 square-foot site located at **574 Bobolink Circle** in a R-0/S (Low-Density Residential/Single Story) Zoning District. (Negative Declaration) (APN: 309-02-034) AM; *(20 minutes)*
 - **Rezone** from R-0/S (Low-Density Residential/Single Story) to R-0/PD/S (Low-Density Residential/Planned Development/Single Story)
 - **Special Development Permit** to construct 4 single-family homes, and
 - **Parcel Map** to subdivide one lot into four lots.
2. **Training** – “Planning Terms” *(25 minutes)*
3. **Public Comment on Study Session Agenda Items** *(5 minutes)*
4. Comments from the Chair *(5 minutes)*

Meeting adjourned at 7:55 p.m.

8:00 PM - Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Klein presiding.

ROLL CALL

Members Present: Chair Larry Klein; Vice Chair Brandon Sulser; Commissioner Laura Babcock; Commissioner Darab Ghaffary; Commissioner Charles Hungerford; Commissioner Harriet Rowe; and Commissioner David Simons.

Members Absent: None

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; Steve Lynch, Senior Planner; Ryan Kuchenig, Associate Planner; and Debbie Gorman, Recording Secretary

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS - None

CITIZENS TO BE HEARD - None

APPROVAL OF MINUTES of July 10, 2006.

ACTION: Comm. Ghaffary made a motion to approve the minutes of the Planning Commission meeting of July 10, 2006 as amended. Vice Chair Sulser seconded. Motion carried unanimously, 7-0.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2006-0524** – Application for a Design Review on an 11,180 square foot site to allow a new two-story home for a total of 4,743 square feet where 4,050 square feet may be allowed without Planning Commission review. The property is located at **272 North Murphy Avenue** (near Central Expressway) in an R-0 (Low Density Residential) Zoning District. (APN: 204-44-033) RK **(Continued from July 10, 2006)(Applicant requests continuance to August 14, 2006)**

ACTION: Comm. Babcock made a motion on 2006-0524 to continue this item to August 14, 2006. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This item is continued to August 14, 2006.

2. **2006-0593 – Bradley Planning Group** [Applicant] **Delaine L Topoll** [Owner]: Application for related proposals on a 12,189 square foot site located at **1244 Poplar Avenue** (near Tulip Drive) in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 213-44-042) AM;
 - **Use Permit** to allow three new single-family homes, and
 - **Parcel Map** to allow a 3 lot subdivision.

ACTION: Comm. Babcock made a motion on 2006-0593 to approve the Use Permit and Parcel Map with modified conditions: to add Condition of Approval (COA) 1.G, that the Floor Area Ratio (FAR) be reduced to 50%, averaged over the entire property; to modify COA 8.F to be worded that the type of wall installed along the north and south property lines be a joint decision between the neighbor and the developers subject to approval of the Director of Community Development; to add COA 9.K that trees planted on the site be large species native trees as appropriate for placement on the site, excluding the landscape screening trees along the north elevation of the property; to add COA 9.L that the applicant and the neighbors confer on the selection of the type of trees along the north elevation with the final approval obtained from the Director of Community Development. Comm. Simons seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This item is final unless appealed to the City Council no later than August 8, 2006.

3. **2006-0599** – Application for a Special Development Permit on a 4,643 square foot site to allow a 343 square foot second story addition to an existing two-story home for a total of 2,168 square feet resulting in a 47% Floor Area Ratio where 45% Floor Area Ratio is permitted without Planning Commission review. The property is located at **516 Fern Ridge Court** (near Sunnyvale-Saratoga Road) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 323-31-012) RK

ACTION: Comm. Simons made a motion on 2006-0599 to deny the Special Development Permit. Comm. Hungerford seconded. Motion carried, 6-1, Comm. Ghaffary dissenting.

APPEAL OPTIONS: This item is final unless appealed to the City Council no later than August 8, 2006.

4. **2006-0589** - Application for a Design Review on a new 2-story home on a vacant lot with a gross floor area of 3,353 at 48.6% Floor Area Ratio where 45% may be allowed without Planning Commission review. The property is located at **1301 Pauline Drive** (near Fremont Avenue) in an R-0 (Low Density Residential) Zoning District. (APN:309-07-042) GC

ACTION: Comm. Ghaffary made a motion on 2006-0589 to approve the Design Review with modified conditions of approval: to eliminate Condition of Approval 1.E which limited ceiling heights to no higher than 9 feet. Vice Chair Sulser seconded. The motion carried, 6-1, Comm. Rowe dissenting.

APPEAL OPTIONS: This item is final unless appealed to the City Council no later than August 8, 2006.

5. **2006-0627 – Calstone/Peninsula Building Supply** [Applicant] **JJ & W, LLC** [Owner]: Application for a Variance from Sunnyvale Municipal Code section 19.42.030 (maximum allowable noise level for an industrial business.) The property is located at **1155 and 1175 Aster Avenue** (near Willow Avenue) in an M-3/ITR/R-3/PD (General Industrial/Industrial to Residential/Medium Density Residential/Planned Development) Zoning District. (Mitigated Negative Declaration) (APN: 213-01-017) SL

ACTION: Comm. Babcock made a motion on 2006-0627 to adopt the Mitigated Negative Declaration and approve the Variance with the attached conditions. Comm. Simons seconded. Motion carried 6-1, Vice Chair Sulser dissenting.

APPEAL OPTIONS: This item is final unless appealed to the City Council no later than August 8, 2006.

NON-AGENDA ITEMS AND COMMENTS

- **COMMISSIONERS ORAL COMMENTS**

Comm. Rowe said that a citizen approached her recognizing her as a Planning Commissioner and asked how citizens could get in touch and keep up with the Planning Commission. Comm. Rowe said that the public could go to the City website at www.sunnyvale.ca.gov and select Boards and Commissions and then select Planning. Citizens can look through the Planning Commission site and find information including agendas, reports, and minutes, and staff contact numbers who can get messages to the Planning Commissioners. Information for the City Council can also be found on the City website.

Comm. Simons said he was in downtown Mountain View this past weekend and noticed that many of the projects that have been under construction are now finished. He said he was impressed with the landscaping on some of the new higher density housing and suggested that it would be valuable for parties interested in landscaping in developments to look at some of the projects completed along Hope Street and View near the train station.

- **STAFF ORAL COMMENTS**

City Council Meeting Report

Trudi Ryan, Planning Officer, said there has been one Council meeting since the last Planning Commission meeting. She said at the July 18, 2006 meeting there were two appeals of Planning Commission decisions. She said the first was an appeal of the approval of a Use Permit for a long-term care and daycare for cats and dogs located at 180 North Wolfe Road, which was appealed by an adjacent tenant. The City Council upheld the decision of the Planning Commission and

approved the Use Permit with the conditions approved by the Planning Commission.

Ms. Ryan said the second item was an appeal of a denial of a request for a side-yard setback variance on a site located at 734 Ashbourne Drive, appealed by the applicant. Council continued the item to August 8, 2006 to allow the applicant and staff to assess the cost differences of the proposed plans versus an alternate plan that would meet City code.

Other Staff Oral Report

Ms. Ryan said that the Planning Division is proceeding with the recruitment of several planners. She said one offer has been accepted and that she is still in discussions with other applicants. Ms. Ryan said with the hiring of additional planners that it should allow time for staff to get back to study issues that have been on hold.

INFORMATION ONLY ITEMS

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY Wednesday, July 26, 2006

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

1. **2006-0328 – T Mobile** [Applicant] **Sunnyvale Park IV LLC et al** [Owner]: Application for a Special Development Permit on a 30,450 square foot site to allow six antennas and ancillary equipment on the roof. The property is located at **840 West California Avenue** (near N Mathilda Ave) in an M-S/PD (Industrial & Service/Planned Development) Zoning District. (APN: 165-26-018)

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, August 10, 2006

2. **2006-0641** – Application for a Use Permit on an 18,000 square foot site to allow a resident caretaker on an industrial property. The property is located at **625 East Taylor Avenue** in an MS/ITR/R-3 (Industrial and Service/Industrial to Residential/Medium Density Residential) Zoning District (APN: 205-29-007)

ACTION: Approved

APPEAL OPTIONS: May be appealed to the Planning Commission by Thursday, August 10, 2006

3. **2006-0601 – Hsiu-Ye Lin** [Applicant] **Dee A Hast Trustee** [Owner]: Application for a Special Development Permit on a 13,242 square foot site to allow the operation of a dance studio in an existing building. The property is located at **954 East El Camino Real** (near Eleanor Way) in a C-2/PD (Highway Business/Planned Development) Zoning District. (APN: 313-02-00)

ACTION: Approved

**APPEAL OPTIONS: May be appealed to the Planning Commission by
Thursday, August 10, 2006**